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9 Sandoval, Scott Sisco, David Tristan, and Harold Wickham

10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 JOSEPH ANTONETTI,

13 Plaintiff,

14 v.

15 FILSON, et al.,

16 Defendants.

Case No. 3:17-cv-00605-MMD-CLB

**DEFENDANTS' MOTION FOR EXTENSION
OF TIME TO REPLY TO PLAINTIFF'S
RESPONSE TO MOTION FOR SUMMARY
JUDGMENT (ECF NO. 63)
(FIRST REQUEST)**

17 Defendants, Romeo Aranas, Renee Baker, Harold Bryne, Ronald Bryant, Gloria Carpenter, Jesse
18 Cox, Dwayne Deal, James Dzurenda, William Gittere, Sheryl Foster, Richard Healer, Paul Hunt,
19 Tasheena Sandoval, Scott Sisco, David Tristan, and Harold Wickham, by and through counsel, Aaron
20 D. Ford, Attorney General of the State of Nevada, and Mary Anne Martin, Deputy Attorney General,
21 hereby submit this Motion for Extension of Time to Reply to Plaintiff's Response to Motion For
22 Summary Judgment (ECF NO. 63). This is the first motion to extend the time for Defendants to reply to
23 Plaintiff's response to motion for summary judgment, and is based on Federal Rule of Civil Procedure
24 6(b)(1)(A), the following Memorandum of Points and Authorities, and all papers and pleadings on file
25 in this action.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. ARGUMENT

Defendants respectfully request a fifteen (15) day extension of time to file a reply to Plaintiff's response to Motion for Summary Judgment (ECF No. 63). This is the first such request made by Defendants. Recent quarantine measures imposed in response to the COVID-19 virus pandemic have delayed Defendants' ability to timely reply; Governor Sisolak issued a "stay at home" directive on April 1, 2020 whereby Deputy Attorney Generals and other staff are required to utilize home based working arrangements. As a result, the already limited staff at the Office of the Attorney General is rendered less efficient due to constraints imposed by limited VPNs and lack of remote document access. Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Defendants' request will not hinder nor prejudice Plaintiff's case. The requested fourteen day extension of time should permit Defendants' counsel time to adequately reply to Plaintiff's response to their motion for summary judgment. Given current briefing demands in other cases and limited staffing within the Office of the Attorney General exacerbated by COVID-19 precautions, Defendants assert that the requisite good cause/excusable neglect is present to warrant the requested extension of time.

For these reasons, Defendants respectfully request a fifteen (15) day extension of time from the current deadline of May 21, 2020 to reply to Plaintiff's response to their motion for summary judgment in this case, with a new deadline to and including Friday, June 5, 2020.

DATED this 20th day of May 2020.

AARON D. FORD
Attorney General

Dated: May 21, 2020

IT IS SO ORDERED.

By: /s/Mary Anne Martin
MARY ANNE MARTIN, BAR No. 13267
Deputy Attorney General

UNITED STATES MAGISTRATE JUDGE

Attorneys for Defendants

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 20th day of May, 2020, I caused to be served a copy of the foregoing, **MOTION FOR EXTENSION OF TIME TO REPLY TO PLAINTIFF'S RESPONSE TO MOTION FOR SUMMARY JUDGMENT (ECF NO. 63) (FIRST REQUEST)**, by U.S. District Court CM/CEF

Electronic Filing on:

Electronic Filing on:

Joseph Antonetti, #84533
Lea County Correctional Facility (LCCF)
6900 W. Millen Drive
Hobbs, NM 88244

/s/Perla M. Hernandez
An employee of the
Office of the Attorney General